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Attorney(s) for Plaintiff Digital Verification Systems, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIGITAL VERIFICATION SYSTEMS, LLC, *Plaintiff*, v. KING STREET LABS, LLC d/b/a FORMSWIFT, *Defendant*.	CASE NO.: 3:21-cv-03211 PATENT CASE

COMPLAINT

Plaintiff Digital Verification Systems, LLC ("Plaintiff" or "DVS") files this Complaint against King Street Labs, LLC d/b/a FormSwift. ("Defendant" or "FormSwift") for infringement of United States Patent No. 9,054,860 (hereinafter "the '860 Patent").

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent

infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company located at 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is an Oregon limited liability company with its principal office located at 2370 Market Street, Suite 103 #443, San Francisco, CA 94114. On information and belief, Defendant may be served through its registered agent, David Becker, 22 Margrave Pl, 8 San Francisco CA 94133.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

10. Plaintiff is the owner by assignment of the '860 Patent with sole rights to enforce the '860 Patent and sue infringers.

11. A copy of the '860 Patent, titled "Digital Verified Identification System and Method," is attached hereto as Exhibit A.

12. The '860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

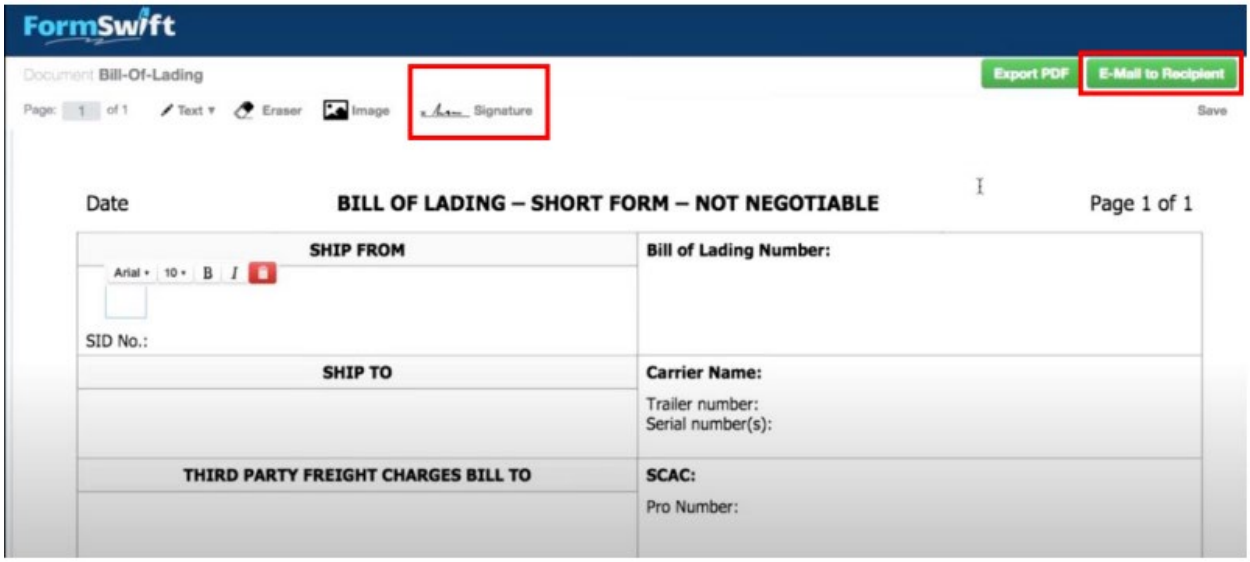
13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '860 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., FormSwift), and any similar products and/or services ("Product") covered by at least Claim 1 of the '860 Patent. Defendant has infringed and continues to infringe the '860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

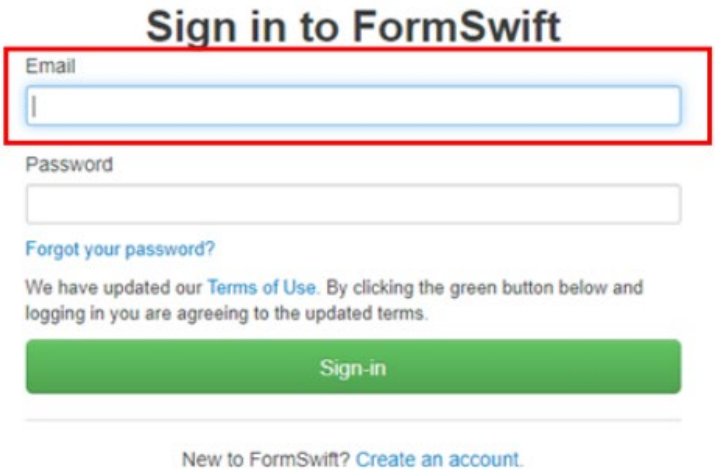
14. The Product provides a system for e-signing digital documents. The Product provides for digitally verifying the identification of a signer. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://youtu.be/kr7-cpbmMKE

15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module

(e.g., creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

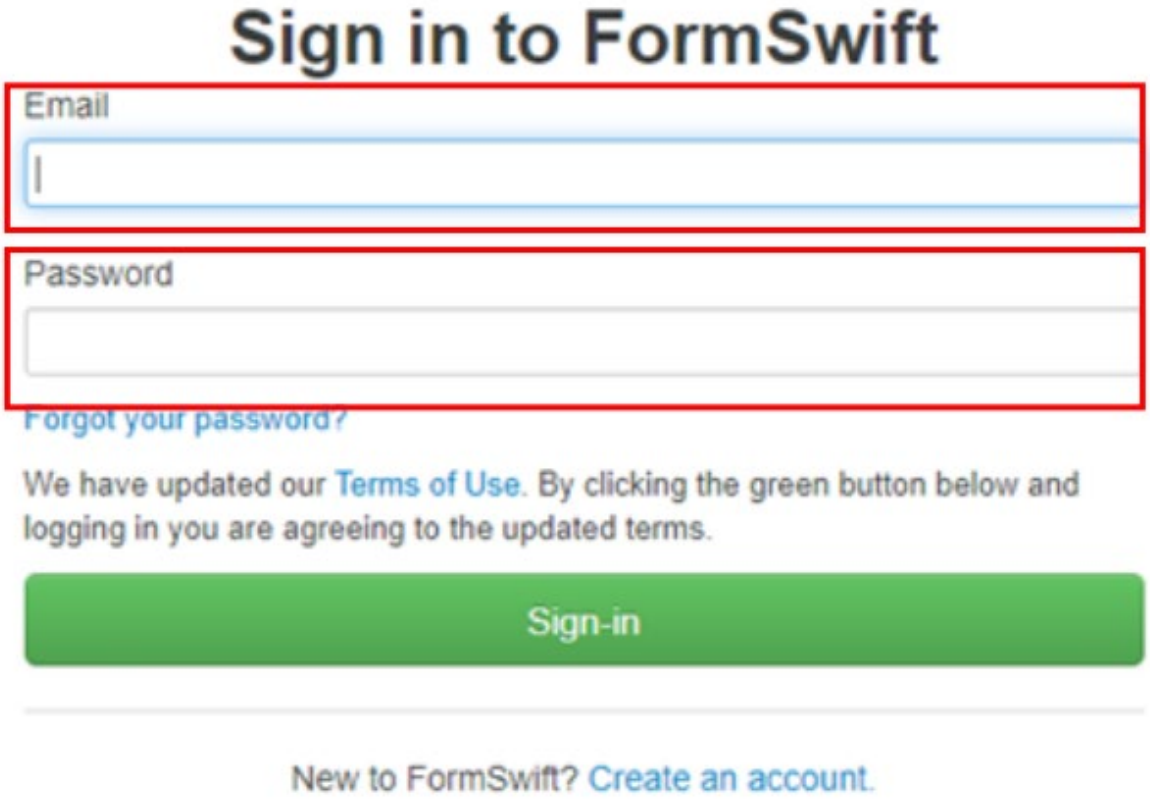


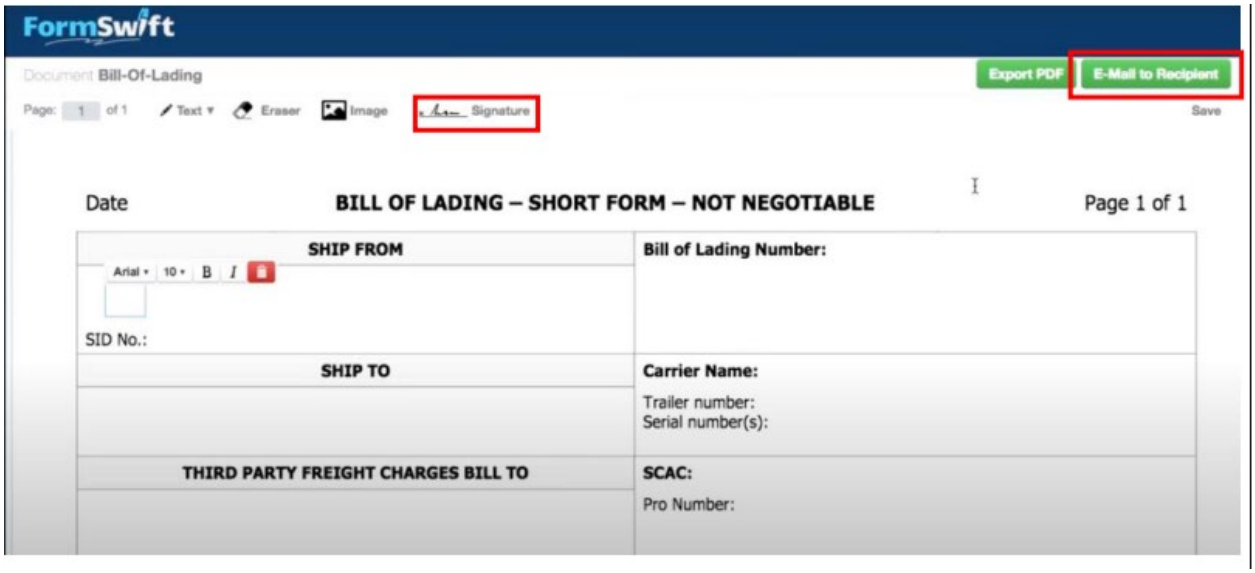


Source: https://formswift.com/signIn.php
Source: https://youtu.be/nz85BE9nmKk

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to the at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data

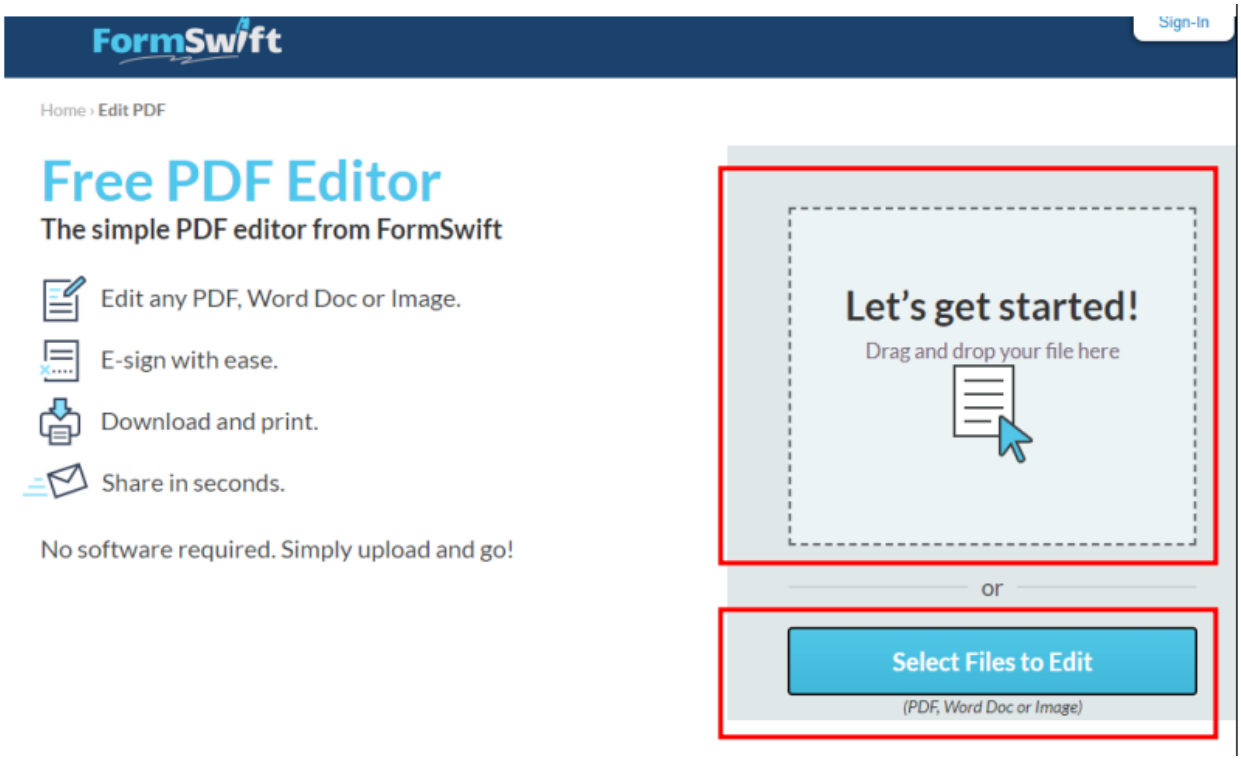
element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the Product account for e-signing the documents). The module generating assembly is also structured to create the at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

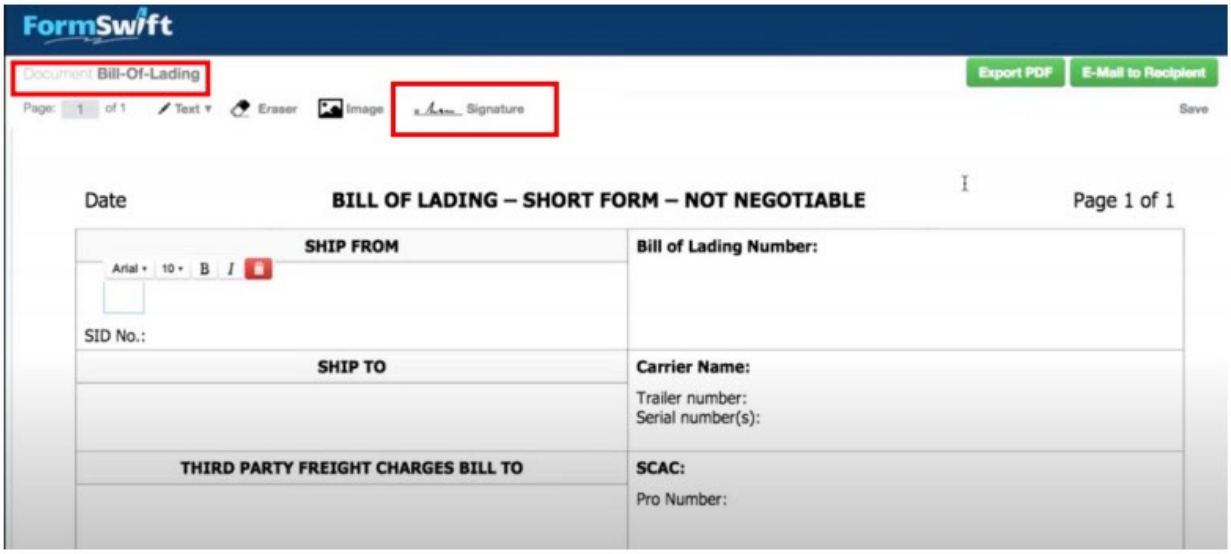




Source: https://formswift.com/signIn.php
Source: https://youtu.be/nz85BE9nmKk

17. The at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a "Bill of Landing" or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.





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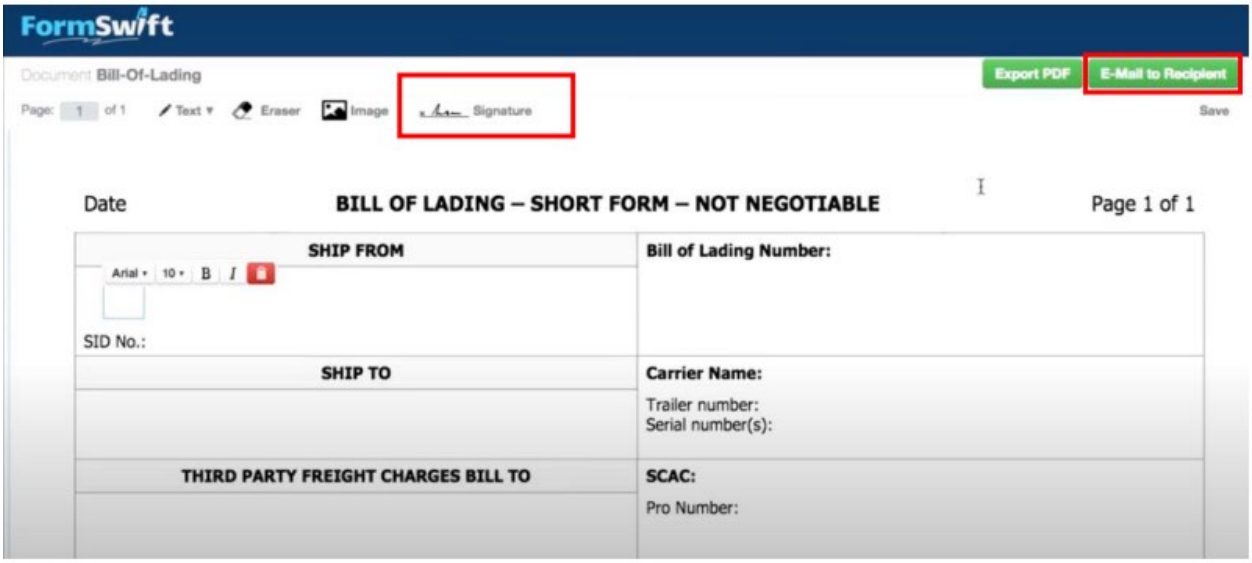
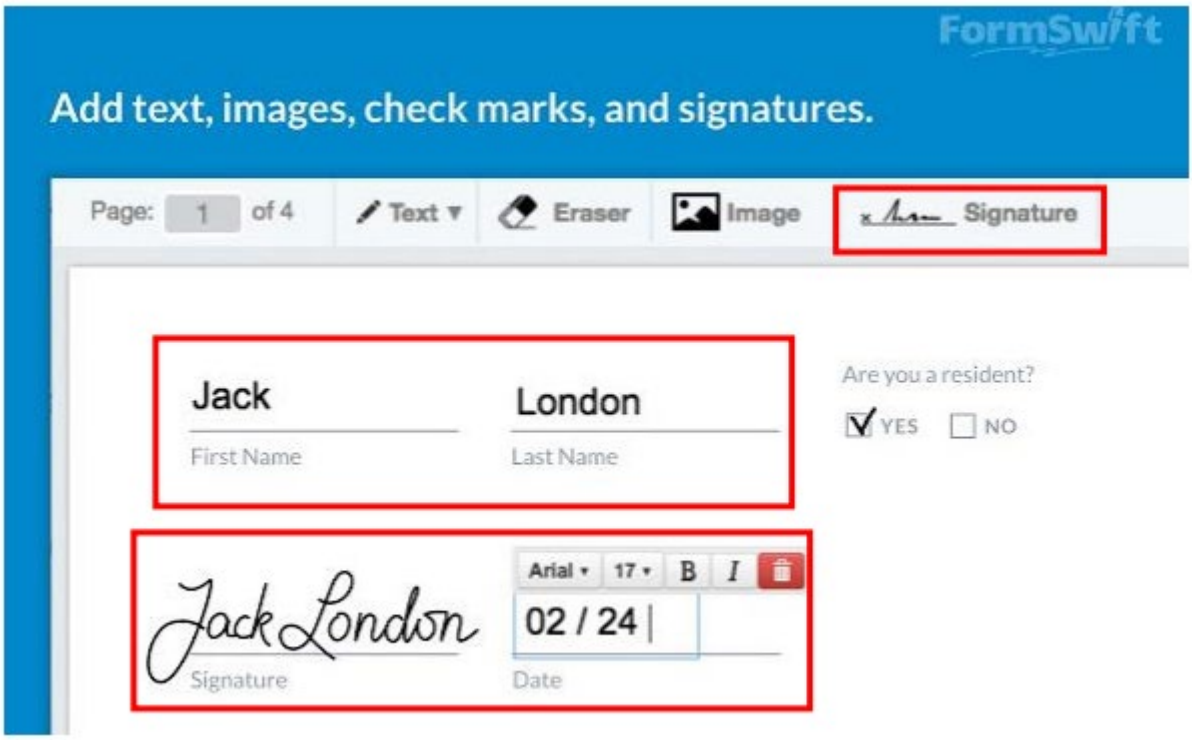
18. The at least one digital identification module includes at least one primary component structured to at least partially associate the digital identification module with the at least one entity. For example, an e-signature of a user is associated with user information including user name, date, etc.to at least partially associate the

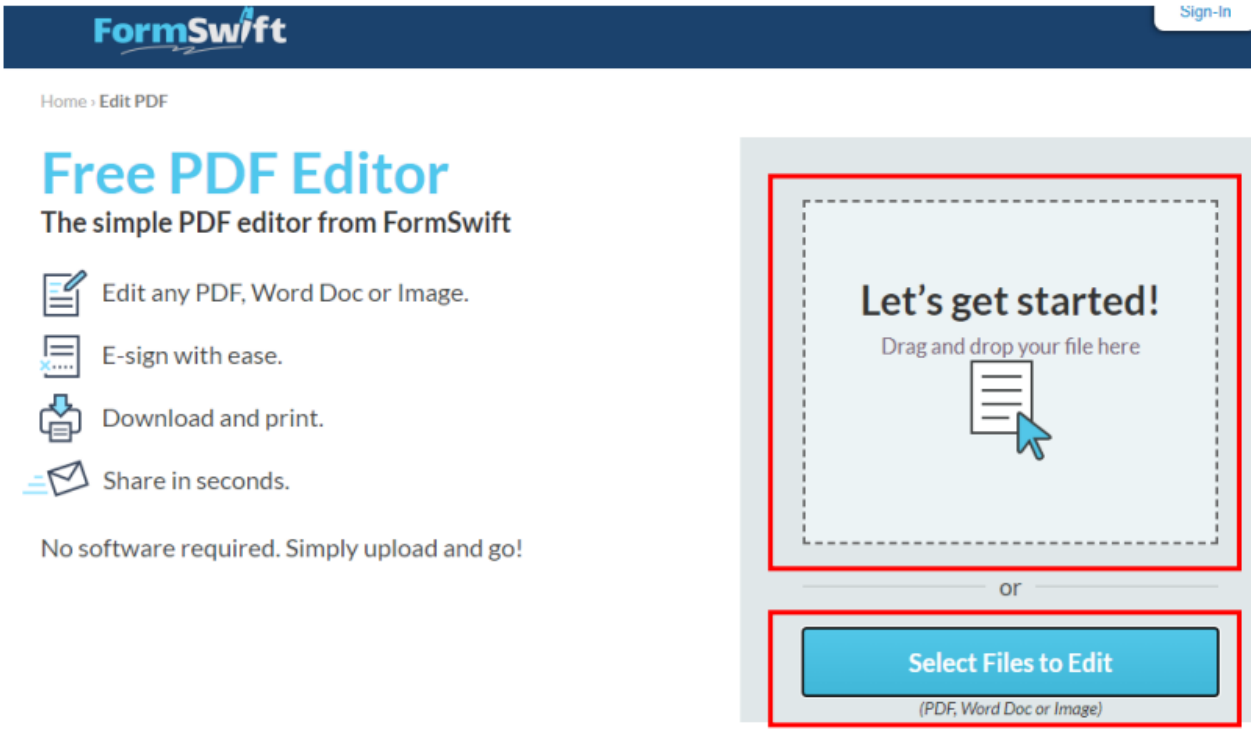
digital identification module with the at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

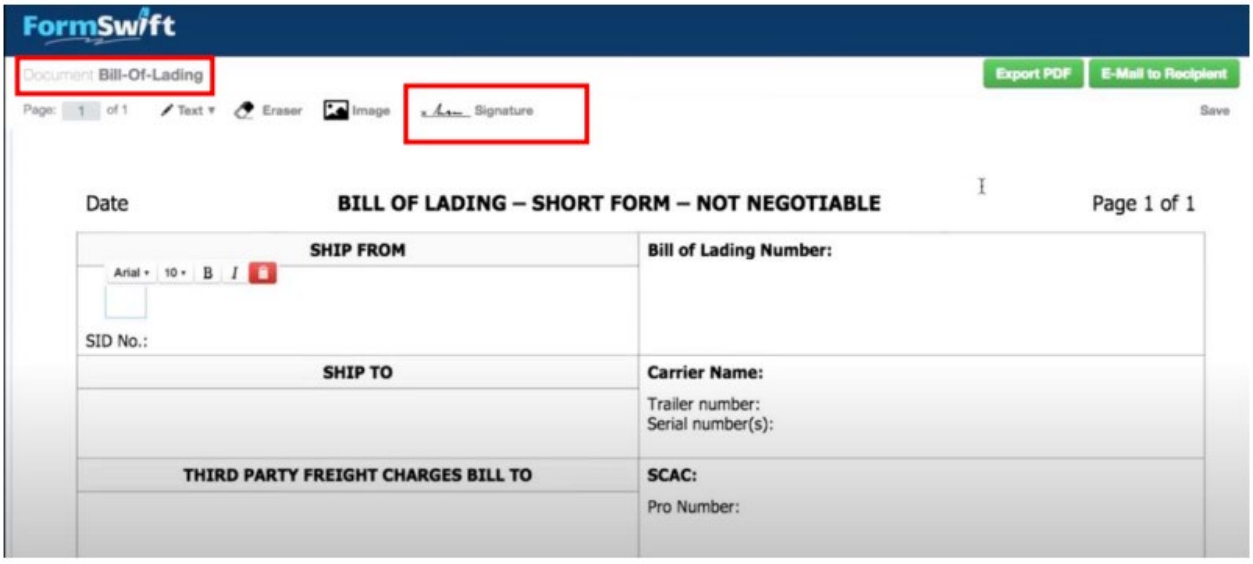




Source: https://youtu.be/nz85BE9nmKk
Source: https://chrome.google.com/webstore/detail/formswift-pdf-editorconve/bdfcnmeidppjeaggnmidamkiddifkdib

19. The at least one digital identification module is cooperatively structured to be embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.





Source: https://formswift.com/edit-pdf
Source: https://youtu.be/nz85BE9nmKk

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 30, 2021

Respectfully submitted,

/s/ Stephen M. Lobbin
Attorney(s) for Plaintiff Digital Verification Systems, LLC